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REMARKS

Claims 1-6, 8-15, 17-23, 25, 28 and 29 are currently pending in the application. By this amendment, claims 1, 5, 6, 8-12, 14, 15, 22 and 28 are amended and claims 7, 16, 24, 26 and 27 are now canceled. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Entry of the Amendment

Applicants submit that the amendments provided herein should be entered into the record since they place the application in condition for allowance, or alternatively in better form for appeal. Applicants submit that no new issues are raised that need further search and/or consideration and that the amendments presented herein have already been considered by the Examiner. For example, the claim amendments address the Examiner's concerns related to the §112, 2nd paragraph issues and additionally place allowable subject matter into independent form. No additional claims are added without canceling a corresponding number of claims

Allowed Claims

Applicants appreciate the indication that claims 2-11, 13-17, 23-25, 28 and 29 contain allowable subject matter. In view of the above amendments, Applicants submit that all of the claims are in condition for allowance and the rejections under 35 U.S.C. §§ 112, 2nd paragraph, 102(b) and 103(a) are now moot.

Claim 1 is amended to include the allowable subject matter of claim 7. Allowable claims 10 and 11 are placed into independent format to include the subject matter of all intervening

claims. Claim 12 is amended to include the allowable subject matter of claim 16, and claim 22 is amended to include the allowable subject matter of claim 24. Allowable claim 28 is amended to include the features of independent claim 1 and any intervening claims.

Applicants request the application to pass to issuance.

Objection to the Specification

The specification was objected to based on a typographical error. The specification has been amended to address the Examiner's objection. Applicants request withdrawal of the objection to the specification

Objection to Drawings

The drawings were objected to based on formalities. The Examiner is of the opinion that the specification only discloses a combination of a clamping, cutting and serrate mechanism as reference numeral 110. Although this is one embodiment, Applicants submit that other embodiments are also possible. For example, at page 9, line 16 of the specification, reference numeral 110 is described as only a clamping mechanism. Additionally, at page 11, line 7, the specification clearly describes the clamping mechanism as a self contained unit. Following this description, it certainly would be obvious to those of skill in the art that reference numeral 110 may represent any combination of the serrate, cutting and/or clamping mechanism. Applicants thus request withdrawal of the objection to the drawings.

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35 U.S.C. §112 Rejection

Claims 1-17 and 22-29 were rejected under 35 U.S.C. §112, 2nd paragraph. This rejection is traversed.

To clarify the claims in accordance with the Examiner's request, Applicants have amended the claims to define the positions of the bag forming mechanism and the hinged portion. Applicants have also amended the claims to provide a relationship between the hinged portion and the loading bed, as well as the bag former mechanism and the loading bed (claim 22).

The Examiner is of the opinion that there is inadequate structural relationship between the sealing member and the loading bed in claims 1, 12 and 22. Applicants submit that there is adequate structural relationship between all of the components recited in claims 1, 12 and 22. For example, the claims recite (i) the sealing member is positioned at the end of the hinged portion of the plate-like member, and (ii) the sealing member seals a wrap about the product when the plate-like member is positioned over the loading bed and the hinged portion is positioned near an end of the loading bed. This provides adequate structural relationship between the (i) sealing member, (ii) plate-like member, (iii) hinged portion, and (iv) loading bed. Accordingly, there is proper structural relationship between the loading bed and the sealing member (via the hinged portion), as recited in claims 1, 12 and 22.

Claims 8 and 17 were rejected as lacking antecedent basis for "product". Applicants note that claims 8 and 14 were previously amended in order to delete "the" prior to "product" in

order to provide antecedent basis to “product” in each of these claims. Accordingly, this portion of the rejection has been rendered moot.

As to claim 12, the Examiner is of the opinion that there is no relationship between the movements of the bag former mechanism and the loading bed. Applicants direct the Examiner’s attention to claim 12, which recites, partially,

...the bag former mechanism [is] moveable with respect to
the loading bed....

Applicants are of the position that this language shows that the bag former mechanism and the loading bed are moveable with respect to one another. This language clearly shows that there is a relationship between the movements of these two components.

The Examiner is of the opinion that the placement of the hinged member is ambiguous in claim 22 because it is unclear whether the member is connected to the hinged portion.

Applicants submit that the language of claim 22 is not ambiguous. The claim language recites that the member is positioned at a distal end of the hinged portion, as now recited in claim 22.

The Examiner further rejected claim 22 for omitting the structural relationship between the member and the loading bed, and lacking the structural relationship between the movements of the loading bed and the bag former mechanism. Applicants have amended claim 22 to provide the relationship between the movements of the loading bed and the bag former mechanism. However, Applicants note that there is no need to have any recitation of what is acting on the sealing member in order to seal the wrap since this is not required by the breadth of

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the claim. However, Applicants submit that a clamping mechanism would be used to first clamp the bag and then a serrate or cutting mechanism would be used to serrate or cut the bag.

Lastly, claim 24 has been amended to recite that the two positions of the loading bed and the bag former mechanism is a retractable position and a loading position with respect to one another. This should overcome the Examiner's rejection.

In view of the above, Applicants request withdrawal of the §112, 2nd paragraph rejection.

35 U.S.C. §§102 and 103 Rejections

Claims 1, 22, 26 and 27 were rejected under 35 U.S.C. §102(b) for being anticipated by U. S. Patent No. 4,903,459 to Okinaka. Claim 12 was rejected under 35 U.S.C. §103(a) over Okinaka in view of U. S. Patent No. 5,386,678 to Kujubu and U.S. Patent No. 5,934,048 to Bouressa. These rejections are moot in view of the above amendments placing the application in condition for allowance.

CONCLUSION

Applicants appreciate the indication of allowable subject matter. In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition

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for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a large, sweeping loop at the end.

Andrew M. Calderon
Registration No. 38,093

Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191
Telephone: 703-716-1191
Facsimile: 703-716-1180